

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

E-FILING

V.

Ascencio PINEDA-Martinez
(Name and Address of Defendant)

CRIMINAL COMPLAINT

08-70124

RS

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, February 11, 2008, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following
Official Title
facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

3/4/08

Date

at

San Jose, California

City and State

Richard Seeborg
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: PINEDA-Martinez, Ascencio A27 692 536

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. PINEDA-Martinez is a 49-year-old male who has used seventeen (17) aliases and eight (8) dates of birth in the past.
- (2) Mr. PINEDA-Martinez has been assigned one (1) Alien Registration number of A27 692 536, FBI number of 89642T8, California Criminal Information Index number of A05944169, and a Santa Clara County Personal File Number of dmf951.
- (3) Mr. PINEDA-Martinez is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on five (5) occasions from the United States:

| <u>DATE</u> | <u>PLACE OF DEPORTATION</u> |
|--------------------|-----------------------------|
| September 23, 1988 | San Ysidro, CA |
| October 24, 1989 | Calexico, CA |
| July 26, 1991 | San Ysidro, CA |
| March 2, 1994 | Calexico, CA |
| April 8, 2003 | Calexico, CA |

- (4) Mr. PINEDA-Martinez last entered the United States at or near San Ysidro, CA on or after April 8, 2003, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. PINEDA-Martinez on a date unknown, but no later than February 11, 2008, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On February 12, 2008, Mr. PINEDA-Martinez was interviewed by Immigration Enforcement Agent (IEA) Joshua Arambulo at the Monterey County Jail, Salinas, CA, and during that interview, Mr. PINEDA-Martinez was advised of his **Miranda** rights in English. Mr. PINEDA-Martinez waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

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- (6) Mr. PINEDA-Martinez was, on April 25, 1984, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of POSSESSION CONTROLLED SUBSTANCE FOR SALE, an aggravated felony, in violation of Section 11351 of the California Health and Safety Code, and was sentenced to two hundred seventy (270) days in jail.
- (7) Mr. PINEDA-Martinez was, on August 28, 1986, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of SALE OF HEROIN, a felony, in violation of Section 11352 of the California Health and Safety Code, and was sentenced to four (4) years in prison.
- (8) Mr. PINEDA-Martinez was, on July 18, 1996, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of POSSESSION OF HEROIN, a felony, in violation of Section 11350 of the California Health and Safety Code, and was sentenced to three (3) years in prison.
- (9) Mr. PINEDA-Martinez was, on May 14, 2001, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of POSSESSION CONTROLLED SUBSTANCE FOR SALE, an aggravated felony, in violation of Section 11351 of the California Health and Safety Code, and was sentenced to one (1) year in prison.
- (10) On the basis of the above information, there is probable cause to believe that Mr. PINEDA-Martinez illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 4th day of March, 2008



RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE